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Book Reviews

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BOOK REVIEWS

THE UNANIMITY RULE AND THE LEAGUE OF NATIONS. By Cromwell A. Riches. The Johns Hopkins Press, Baltimore, 1932; pp. 224.

Smuts clearly outlined the most fundamental and difficult problem which the drafters of the League of Nation's Covenant had to solve when he said that "while we avoid the supersovereign at the one end, we must be equally careful to avoid the mere ineffective debating society at the other end." Lord Robert Cecil's comment that there was great danger in voting if decisions did not require unanimity and great difficulty if they did is equally to the point.

Wilson, Smuts, House, Orlando and others of the drafting commission had hoped to empower the League to act by majority vote in some cases but they abandoned this purpose to conciliate American opposition to the League. The rule requiring unanimity in Council and Assembly unless the Covenant specifically provides otherwise, "went into the Covenant to satisfy American opinion, or more accurately, in an attempt to reconcile a sufficient number of the League's opponents in the Senate to allow consent to ratification." Doctor Riches concludes, however, that the subsequent history of the League would be no different had this futile concession to the Senate irrecconcilables not been made.

The merit of this excellent study consists in the fact that Doctor Riches has not been content with a mere analysis of the language of the Covenant but has also examined the actual practice. The bulk of the study deals with the ingenious devices which members of the Assembly and Council have used in evading the unanimity requirement. The chief devices used have been the practice of not allowing abstentions to prevent the achievement of unanimity, the practice of regarding matters as procedural rather than substantive, since procedural matters require only a majority vote, and by making "recommendations" rather than "decisions."

Doctor Riches concludes from his survey of the practice of the Assembly that "small powers are not by themselves permitted to hinder the functions of that body in spite of the provisions of Article 5. Either they are persuaded to abstain or the resolutions to which they are opposed are passed in the form of recommendations not requiring absolute unanimity." Only the great powers can hold out against a hostile Assembly. The Council has suffered more severely from the rule than the Assembly. On many occasions that body has been "delayed, obstructed and even defeated through the use of the *liberum veto* or the threat of its use by one or more of the Council members."

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A HANDBOOK OF N. R. A. 2nd Ed. Lewis Mayers. Federal Codes, Inc., Washington, D. C. Pp. vii-826.

The second edition of *A Handbook of N. R. A.* by Lewis Mayers was published in February, 1934. It is a valuable contribution.

Part I deals with the legislative history of the Act briefly, with an analysis of the problems involved in the study of its constitutionality, its relation to the anti-trust laws, and various applications of the Act. Thus, it deals with the administrative organization; with enforcement; with the adjustment of labor disputes; with price increases; with minimum wages and hours; with the employment of minors; with production and marketing; with prices, terms and discounts; with competition, etc. It also contains the subject matter of the state recovery acts from twelve different states.

In the introduction, the author suggests that the provisions of the N. I. R. A. may be grouped under eight distinct heads, but he proposes to deal with only two, namely, the regulation of trade and industry and of oil transportation. Others not dealt with are: federal loans for public works; subsistence homesteads; changes in federal taxes; appropriations for agricultural adjustment administration and farm credit administration; amendments thereto.

Nearly one-half of the book is taken up with appendices, which give the text of the various codes which had been promulgated at the time the book was published.

Probably there is no other source where the general material is brought together as succinctly as it is here. The constitutionality of the N. I. R. A. is dealt with rather briefly and from a outline followed at the annual meeting of the Association of American Law Schools in December, 1933. The general problem is stated, rather than any solution offered.

ALVIN E. EVANS.